

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Michael Seitz et al. Art Unit 1611
Serial No. 10/728,654
Filed December 5, 2003
Confirmation No. 8454
For MICROCAPSULES WITH AMINE ADJUSTED RELEASE RATES
Examiner Barbara S. Frazier

DECLARATION OF RONALD BRINKER UNDER 35 C.F.R. §1.132

I, Ronald Brinker, declare and state as follows:

(1) I am a joint inventor on the present patent application, U.S. Application Ser. No. 10/728,654.

(2) I make this Declaration based upon personal knowledge of the facts surrounding the inventorship of the subject matter of the claims of U.S. Application Ser. No. 10/728,654 and the subject matter of U.S. 6,992,047 issued to Jawed Asrar and Yiwei Ding (herein, "Asrar et al.").

(3) I have reviewed the pending claims of U.S. Application Ser. No. 10/728,654, the Office Action dated February 21, 2008, and the subject matter relied on by the Office in rejecting the currently pending claims as obvious over Asrar et al. The subject matter of Asrar et al. relied on by the Office in rejecting the pending claims is based on the work of myself, Michael Seitz, Jawed Asrar, and Yiwei Ding and is thus not the work of a different inventive entity other than the named inventors of the present application.

(4) The disclosure of Asrar et al. invented by an inventive entity other than Seitz, Ding, Asrar, and I is the

discovery that, in preparing microencapsulated agricultural actives, mixing a high melting point agriculturally active material with a melting point depressant enables the preparation of solid mixtures of the high melting point agriculturally active material and melting point depressant that are characterized by lower melting temperatures than either material in its pure state.

(5) By preparing mixtures having lower melting temperatures than either material in its pure state, one may encapsulate the high melting point agriculturally active material during an interfacial polymerization reaction without raising the polymerization reaction temperature to the normal melting point and without resorting to the use of aromatic solvents to dissolve the high melting point agriculturally active material in an aromatic solvent.

(6) The methods of preparing the mixtures of high melting point agriculturally active material and melting point depressants and the various materials that may be used to form the mixtures are described in Asrar et al. from Col. 8, line 61 to Col. 24, line 32. It is apparent that this contribution by Asrar and Ding was the inventive contribution to the art in view of The Summary of the Invention, which does not mention the materials used in preparing the polymer shell, and claim 1, which also does not limit the materials used in preparing the polymer shell.

(7) The subject matter described in Asrar et al. directed to the use of isocyanate monomers and one or more polyamines in the preparation of the polymer shell is all based on the work of

myself, Michael Seitz, Jawed Asrar, and Yiwei Ding. The relevant portions of Asrar et al. describing the materials useful for the interfacial polymerization of an isocyanate with one or more polyamines spans Col. 24, line 34 to Col. 27, line 65. This describes the work of myself, Michael Seitz, Jawed Asrar, and Yiwei Ding.

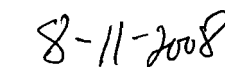
(8) Any portion of the Examples describing the materials useful for the interfacial polymerization of an isocyanate with one or more polyamines also describes the work of myself, Michael Seitz, Jawed Asrar, and Yiwei Ding. Specific description includes:

- The addition of triethylenetetramine (TETA) and Jeffamine T-403 to form the emulsion in Examples 1-8 and 15-17.
- The method of Example 9 wherein the amounts of TETA and Jeffamine T-403 were varied relative to each other to prepare the materials whose properties are described in Table 3.

(9) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Ronald Brinker



Date